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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONNA GARCIA,)	Case No.: CV11-01253
)	
Plaintiff,)	OPPOSITION TO REQUEST FOR EX
)	PARTE RELIEF
vs.)	
)	
RESURGENT CAPITAL SERVICES, L.P.,)	
LVNV FUNDING, LLC, THE BRACHFELD)	
LAW GROUP, P.C. a.k.a BRACHFELD &)	
ASSOCIATES, P.C., and DOES 1-10,)	
)	
Defendant)	

Counsel for Plaintiff offers no reason or legal basis for seeking more time other than a statement that one of the two attorneys for Plaintiff is or was out of town. The motion for Summary Judgment is very straightforward and delay would create prejudice because additional fees and trial preparation may unnecessarily be incurred as the matter could be submitted to the Court several weeks earlier under the current schedule.

1 The motion itself contains no surprises and addresses the single issue
2 counsel have been discussing for months, Plaintiffs refusal to amend to identify the
3 correct debt she now admits owing. The hearing was scheduled during a Case
4 Management conference On January 25, 2012 During which Counsel for Plaintiff
5 actually complained that the motion had not already been filed and Defendant
6 sought to avoid having to file the motion by requesting Plaintiff simply amend to
7 identify the correct debt.

8 Plaintiffs' counsel offers no reason or explanation for why they can't comply
9 with the current briefing schedule and further delay does prejudice both
10 Defendants.

11
12 Date: February 17, 2012

By: /s/ Jonathan W. Birdt
Jonathan W. Birdt, Esq.